

Article - Environment

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§9-1709.

(a) (1) In this section the following words have the meanings indicated.

(2) “Directory publisher” means a person engaged in publishing telephone directories of any kind as part of its business that:

(i) In the previous calendar year used at least 50 tons of directory stock in telephone directories that were distributed in the State; or

(ii) Anticipates using, in the current calendar year, at least 50 tons of directory stock in telephone directories that are distributed in the State.

(3) “Directory stock” means the type of paper that is used chiefly for printing a telephone directory.

(4) “Runnable” means the ability of directory stock to run without breaking on a printing press using:

(i) Flexography;

(ii) Letterpress; and

(iii) Offset printing processes.

(5) “Telephone directory” means a listing of names, telephone numbers, and addresses produced for distribution in the State to households and businesses.

(b) (1) Except as provided in subsection (f) of this section, the recycled content percentage requirements for telephone directories distributed in the State shall be in accordance with the recycled content percentage requirements specified in subsection (c) of this section for the calendar year.

(2) Each directory publisher shall:

(i) For telephone directories distributed in the State, satisfy the recycled content percentage under subsection (c) of this section for the calendar year; or

(ii) Pay the directory recycling incentive fee required under subsection (d) of this section for that calendar year.

(c) (1) To satisfy the recycled content percentage requirement of this section for a calendar year, at least the percentage specified in paragraph (2) of this subsection, by weight, of the total directory stock used by the publisher during that calendar year for telephone directories distributed in the State shall be recycled materials.

(2) The recycled content percentage requirement is:

- (i) 12% for 1994;
- (ii) 15% for 1995;
- (iii) 20% for 1996, 1997, 1998, and 1999;
- (iv) 25% for 2000;
- (v) 30% for 2001 and 2002;
- (vi) 35% for 2003 and 2004; and
- (vii) 40% for 2005 and all subsequent calendar years.

(d) (1) The directory recycling incentive fee for any calendar year is \$10 for each ton of a publisher's recycled content deficiency for the year, as determined under paragraph (2) of this subsection.

(2) A publisher's recycled content deficiency for a calendar year is the difference between:

- (i) The product of multiplying the total tons of directory stock used by the publisher for the year times the required percentage for that year; and
- (ii) The actual tonnage of recycled material contained in the directory stock used by the publisher for the year.

(e) (1) A publisher of a telephone directory distributed in the State shall complete and file with the Secretary an annual report, on or before January 31 following each calendar year.

(2) Except as provided in paragraph (3) of this subsection, a report required under this subsection shall:

(i) Be in the form and manner and contain any information that the Secretary requires by regulation; and

(ii) State, for the period covered by the report:

1. The total weight of directory stock used by the publisher; and

2. The weight of recycled material contained in that directory stock.

(3) The Secretary may not require the disclosure of the price per ton of directory stock paid by any publisher in any report required under this subsection.

(4) A publisher shall pay any directory recycling incentive fee required for a calendar year with the annual report that covers that year.

(5) Any publisher of telephone directories distributed in the State who fails to submit the report required under this subsection shall be deemed to have failed to meet the percentages established in subsection (c) of this section.

(f) On written application of a directory publisher, the Secretary may exempt a directory publisher from compliance with the provisions of this section if the Secretary determines that the directory publisher was unable to obtain:

(1) An adequate supply of directory stock containing recycled materials comparable in price and quality to virgin stock; or

(2) Directory stock that is runnable.

(g) Any revenue collected under subsection (d) of this section shall be deposited in the Recycling Trust Fund established under § 9–1707 of this subtitle.

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